

HEBER CITY CORPORATION
75 North Main Street
Heber City, Utah
Planning Commission Meeting
Thursday, May 9, 2013

7:00 p.m.
Regular Meeting

Present: Planning Commission: Craig Hansen
Michael Thurber
David Richards
Darryl Glissmeyer
Clayton Vance

Absent: Harry Zane
Kieth Rawlings
Mark Webb

Staff Present: Planning Director Anthony Kohler
Planning Secretary Karen Tozier
City Engineer Bart Mumford

Others Present: Ryan Bybee, E. Farley Eskelson, Brian Watson, and Bob Erickson.

Vice Chairman Hansen convened the meeting at 7:00 p.m. with a quorum present. Scouts who were present from Troop 1052 were acknowledged. Kieth Rawlings and Harry Zane were excused; Commissioner Webb was also absent. Clayton Vance was welcomed as a new member of the Planning Commission.

Pledge of Allegiance: Commissioner Richards
Minutes: April 11, 2013, Regular Meeting

The Commissioners noted that there was not a quorum present of the members who had attended the April 11, 2013 Regular Meeting and so a decision was made to table the April 11, 2013, Regular Meeting Minutes until at least four members who had been present at that meeting could vote.

Item 1 **McDonald's Corporation requests Commercial Development Approval for a restaurant at 610 South Main Street**

Farley Eskelson of Dominion Engineering was present representing McDonald's Corporation. Mr. Eskelson explained that the lot was purchased to the south of the existing McDonald's restaurant and this was conducive to better placement of a new building. Eskelson reviewed elements of the site plan and gave a materials board to the Commission to view. He indicated that since they had attended the Development Review Committee Meeting (DRC), they had made some changes in response to the Heber City Engineer's requests. He indicated they had been in agreement with all the Staff and Engineering changes (except one) and then explained

the one item they had not been in agreement with. This item had been brought up at the Development Review Committee Meeting (DRC) by Harold Wilson of Heber Light and Power regarding burial of power lines.

Following this there was extensive discussion on power, burial of power lines, location of guylines and poles, and the costs to McDonald's associated with complying with Heber Light and Power's requirements. There was detailed discussion on where the pole/wire would be. The pole would move back and conduit would be redone across 600 South to Walgreens. Farley Eskelson explained how the various wire and poles in the area would need to be re-distributed and moved. He indicated they do not know the expense and due to the nature of exterior constraints he asked whether he could get a variance so that McDonald's does not have to bury the line. He indicated this was not a power department request, he did not know how long the line had been in there, or how long the ordinance had been in effect and noted that the pole looked pretty new.

Chairman Pro Tempore Hansen addressed Mr. Eskelson's question by replying that it didn't really matter how long the ordinance had been in; it is in effect now. Eskelson explained that the reason he asked was if the line was 10 years old and the ordinance was (in effect) at that time why didn't the power department put it in a different location than where it is right now?

Bart Mumford addressed Mr. Eskelson's question; expressing off the top of his head that he thought this was a Heber City General Plan requirement unless the Planning Commission decides it is just too onerous...unless there is a justifiable reason, cost is not the reason usually. He noted there have been many, both commercial and residential, that have complied and buried the power. It was noted by some that Walmart and Walgreen's had buried the power lines.

There were some questions from the Planning Commission at this time and then Farley Eskelson itemized the impact fees for the Commission. He indicated that McDonald's does not have it in the budget to bury the line. Commissioner Thurber asked if Bart Mumford had gone over the impact fees and analyzed them with Eskelson and whether the representative from Heber Light and Power had gotten back to Eskelson. Mr. Eskelson had not been contacted by Heber Light and Power.

Anthony Kohler explained some possible ideas he had for resolution of the situation. One pole and guywire could be moved to the east at the old high school. The other option on 600 South would be to leave the pole up and add another guywire on the other side of driveway. Bart Mumford discussed the issue further and clarified that if the power can't be buried a compromise and an incremental step towards getting the line buried in the future is a wise thing to do such as what Kohler was discussing.

Further discussion on power and then comments were heard from the Commission. Commissioner Richards indicated he thought this was a significant investment from McDonald's and that he would hate to see the tail wag the dog to some point and that they would want to get rid of as much clutter on the sight as possible; he thought to clear this out would be to the benefit of the Petitioner, McDonald's. Commissioner Glissmeyer agreed with Commissioner Richards. Commissioner Richards left the meeting for a moment. Mr. Eskelson discussed impact fees and

fire safety requirements further and whether to table or approve the issue was debated. Vice Chairman Hansen asked if there were any public comments. There were none. Commissioner Richards returned to the meeting at 7:49 p.m.; he had driven to McDonald's and looked at the site. Commissioner Hansen brought him up to speed regarding discussion. Richards indicated that he thought this should be cleaned up.

Commissioner Glissmeyer moved we approve the plans for the McDonald's with the exception of the power line issue and then come back to the next meeting after they've met with PG&E staff. Vice Chairman Hansen corrected, "not PG&E". Commissioner Glissmeyer continued, "I'm sorry, Heber Power and Light." Vice Chairman Hansen asked, "and that includes, does that include staff and engineering?" Commissioner Glissmeyer answered in the affirmative, "Yes, the staff and the engineering, you know meeting with them." Vice Chairman Hansen continued, "of all the issues that were on that letter?" Commissioner Glissmeyer answered, "Yes." Vice Chairman Hansen asked, "that is part of your motion?" Commissioner Glissmeyer confirmed, "Yes."

Vice Chairman Hansen asked if there was a second. Commissioner Richards asked for the motion to be read back, Karen Tozier read the motion back. Richards asked if this was including the signage and the bike rack. Brief discussion of these items. Farley Eskelson explained McDonald's plans for the signs, he indicated they wanted to take down the tall sign and the redbox sign and put up a new sign in a different location which would be a readerboard. There was discussion on the motion; the question was, had the motion referenced that the Petitioner had to comply with everything on the Staff and Engineering Reports? Commissioner Richards indicated that he wanted to make sure that the motion was encompassing everything; this included signage and the bike rack. Anthony Kohler pointed out that as long as the motion referenced the staff report then they were covered. Vice Chairman Hansen asked Karen Tozier if the motion included the staff recommendation and the engineering letter. Karen Tozier answered that it had not been stated in those words. At this time Commissioner Glissmeyer rephrased his motion.

Commissioner Glissmeyer moved that we approve the McDonald's plan as outlined providing they meet the Staff and Engineering report recommendations and requirements but without approving the electrical issues of burying the conduit/wiring; that needs to be brought back to the next meeting. Commissioner Richards seconded the motion. Discussion from the Commission. Commissioner Thurber indicated he did not hear anything about widening the 600 South entrance; this had not been in the notes. Thurber noted that it would be adequate but he preferred that it be wider for motor homes and fifth wheels through the exit. Farley Eskelson answered, "If you'd like it wider; we'll make it wider." Commissioner Thurber expressed he was okay with everything else. The vote was taken at this time. Voting Aye: Commissioners Glissmeyer, Thurber, Hansen, Vance, and Richards. Voting Nay: none. The motion passed.

Commissioner Hansen asked if staff would go over some of the impact fee statements with the petitioners and help them with that. Bart Mumford indicated they could do this to the level of the information of what they have.

Item 2**Mrs. Call's Candy requests Commercial Development Approval for a building at 1000 South 300 West**

Ryan Bybee of King's Development Group was representing Mrs. Call's Candy on this new site. He presented information on the project. He discussed the site, grade issues, traffic circulation, and explained some of the plans Mrs. Calls had regarding the building such as having a place to have tours come in watch the candy being made and a place for retail sales. They planned to have two phases of 15,000 square feet each. Much of the plan addressed warehouse area. Bybee mentioned that Heber City's Engineering is requiring a grease trap and that the company uses water only and expressed that they did not want to install a grease trap if they could help it; it was a cost that they did not want to incur. He also mentioned there was a transmission power line overhead which goes directly through the middle of the site. There has been discussion ongoing with the City Council and there is a thought to abandon the line as it goes north to south and it will run along 1000 South to a new transformer which will come up and re-feed it.

Commissioner Vance indicated he was not in love with the site plan and asked what other options they had looked at. An aerial photograph of the site was viewed on the overhead and Bybee explained the constraints of the lot. Because of the shape and length of the lot this was the only location and manner the truck loading/unloading area could be located. Bybee discussed elements of the landscaping for the site. The grease trap and power are the main issues. It was pointed out that the City Council was discussing whether to pay to move the power line.

Commissioner Richards asked what they proposed to do with the land until Phase 2. Retention of water onsite was discussed, Bart Mumford and Ryan Bybee explained. It was asked whether this project would come back to the Planning Commission for Phase 2. Anthony Kohler answered that if it was over a year before Phase 2 was started, then yes.

Fire issues were discussed. Bart Mumford indicated the fire hydrant is within 250 feet as required. The question was asked whether the Fire Marshal would require fire sprinkling. This issue would be looked at when a building permit is applied for. Mumford stated his opinion was they do need a grease trap, he noted if they change product this could be a problem. He also explained this was a building code and a city standard and explained the problem with retrofitting. Discussion on the grease trap followed.

There were questions from the Commission on the design samples the petitioner had provided. Bybee liked the parapet; the Commission appeared to agree. Landscaping, the building, and signage were explained briefly. Mr. Bybee indicated the owners have tried hard to keep the facility in the valley. Vice Chairman Hansen asked if anyone from the audience had any comments; there were no comments from the audience.

Commissioner Richards moved to approve the proposed development as consistent with the applicable codes, Chapter 18.48 Business and Manufacturing Zone, contingent upon evergreen trees being planted upon a landscaped berm as shown to screen the loading bays from the street, shielded lighting be used on the site to keep light from reflecting upon adjoining properties, the elevations consist of natural earth tones with brick and rock and wood timbers on the corner

retail portion of the building and materials similar to Rooftop Anchor's building used on the rear of the building; which we've already talked about which is the panels, additional deciduous street trees be planted along the street on the southeast part of the site along 1000 South and 300 West; and conditional upon petitioner addressing the City Engineer's concerns as well as the staff concerns. Commissioner Thurber seconded the motion. Voting Aye: Commissioners Glissmeyer, Thurber, Hansen and Richards. Abstaining: Commissioner Vance. Voting Nay: none. The motion passed.

Administrative Items:

Commissioner Glissmeyer asked about the beekeeping ordinance. A local beekeeper, Kirk Butterfield, might be willing to talk to the Planning Commission. This item could be on the next meeting agenda if Mr. Butterfield could attend.

Commissioner Glissmeyer had asked for discussion of high density housing; perhaps this could be discussed at the next meeting.

Commissioner Thurber motioned to adjourn the meeting. Commissioner Glissmeyer seconded the motion. Voting Aye: Commissioners Glissmeyer, Thurber, Hansen, Vance, and Richards. Voting Nay: none. The motion passed. The meeting adjourned at 8:30 p.m.